

### **REMARKS**

Claims 1, 11-19, 39-46 and 49 are pending in the application. Claims 2-9, 20-25, 27-31, 33-38, 47-48, and 50-53 have been withdrawn. Claims 1, 39, 45, and 49 were amended. Claim 10 has been canceled. Support for the amendments can be found in the original application as filed and thus, no new matter has been added. Applicants respectfully request reconsideration and withdrawal of the rejections based on the remarks contained herein.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §102**

Claims 1, 11-19, 39-46, and 49 have been rejected under 35 U.S.C. §102(b) as being anticipated by Koike (US Pat. Pub. No. 2003/00006889). This rejection is respectfully traversed.

According to the suggestions by the Examiner in a teleconference dated 7-21-2009, claims 1, 39, 45, and 49 were amended to recite the limitation of claim 10 including, “determining a probability of a potential collision between the first and second vehicles based on driver state data.” Koike fails to disclose this limitation. Moreover, it would not be obvious to one of ordinary skill in the art to modify the teachings of Koike to include this limitation. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 39, 45, and 49.

Claims 11-19, 40-44, and 46 depend directly or indirectly from one of independent claims 1, 39, and 45 and for at least the reason above distinguishes over Koike. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11-19, 40-44, and 46.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claims 10, 26, and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Koike (US Pat. Pub. No. 2003/00006889) in view of Ochi et al. (US Pat. No. 5,913,910). This rejection is respectfully traversed.

Applicants respectfully submit that Ochi et al. fail to make up for the deficiencies of Koike. Thus, due at least to their dependency on claim 1, claims 10, 26, and 32 distinguish over Koike in view of Ochi et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10, 26, and 32.

**CONCLUSION**

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 07-0960.

**Respectfully submitted,**

CANTOR COLBURN PLLC

By: /KarlFBarrJr./  
Karl F. Barr Jr.  
Reg. No. 33,155

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20 Church Street, 22<sup>nd</sup> Floor  
Hartford, CT 06103  
Telephone: (248) 524-2300  
Fax: (248) 524-2700